

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04cr306

UNITED STATES OF AMERICA

vs.

TYVONE MAURICE SMITH

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence. (Doc. No. 27).

In the motion, the defendant asks the Court to reduce his sentence to probation because the community could benefit from his release. Rule 35 of the Federal Rules of Criminal Procedure allows the Court to correct a sentence within seven days of sentencing for clear error or to reduce a sentence upon the government's motion based on substantial assistance within one year of sentencing. The Court finds that neither circumstance is applicable in this case.

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals service, and the U.S. Probation office.

Signed: November 2, 2006



Robert J. Conrad, Jr.
Chief United States District Judge

